

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 12-3.4 as follows:

6 (720 ILCS 5/12-3.4) (was 720 ILCS 5/12-30)

7 Sec. 12-3.4. Violation of an order of protection.

8 (a) A person commits violation of an order of protection
9 if:

10 (1) He or she knowingly commits an act which was
11 prohibited by a court or fails to commit an act which was
12 ordered by a court in violation of:

13 (i) a remedy in a valid order of protection
14 authorized under paragraphs (1), (2), (3), (14), or
15 (14.5) of subsection (b) of Section 214 of the Illinois
16 Domestic Violence Act of 1986,

17 (ii) a remedy, which is substantially similar to
18 the remedies authorized under paragraphs (1), (2),
19 (3), (14) or (14.5) of subsection (b) of Section 214 of
20 the Illinois Domestic Violence Act of 1986, in a valid
21 order of protection, which is authorized under the laws
22 of another state, tribe or United States territory,

23 (iii) any other remedy when the act constitutes a

1 crime against the protected parties as the term
2 protected parties is defined in Section 112A-4 of the
3 Code of Criminal Procedure of 1963; and

4 (2) Such violation occurs after the offender has been
5 served notice of the contents of the order, pursuant to the
6 Illinois Domestic Violence Act of 1986 or any substantially
7 similar statute of another state, tribe or United States
8 territory, or otherwise has acquired actual knowledge of
9 the contents of the order.

10 An order of protection issued by a state, tribal or
11 territorial court related to domestic or family violence shall
12 be deemed valid if the issuing court had jurisdiction over the
13 parties and matter under the law of the state, tribe or
14 territory. There shall be a presumption of validity where an
15 order is certified and appears authentic on its face. For
16 purposes of this Section, an "order of protection" may have
17 been issued in a criminal or civil proceeding.

18 (a-5) Failure to provide reasonable notice and opportunity
19 to be heard shall be an affirmative defense to any charge or
20 process filed seeking enforcement of a foreign order of
21 protection.

22 (b) Nothing in this Section shall be construed to diminish
23 the inherent authority of the courts to enforce their lawful
24 orders through civil or criminal contempt proceedings.

25 (c) The limitations placed on law enforcement liability by
26 Section 305 of the Illinois Domestic Violence Act of 1986 apply

1 to actions taken under this Section.

2 (d) Violation of an order of protection is a Class A
3 misdemeanor. Violation of an order of protection is a Class 4
4 felony if the defendant has any prior conviction under this
5 Code for domestic battery (Section 12-3.2) or violation of an
6 order of protection (Section 12-3.4 or 12-30) or any prior
7 conviction under the law of another jurisdiction for an offense
8 that could be charged in this State as a domestic battery or
9 violation of an order of protection. Violation of an order of
10 protection is a Class 4 felony if the defendant has any prior
11 conviction under this Code for first degree murder (Section
12 9-1), attempt to commit first degree murder (Section 8-4),
13 aggravated domestic battery (Section 12-3.3), aggravated
14 battery (Section 12-3.05 or 12-4), heinous battery (Section
15 12-4.1), aggravated battery with a firearm (Section 12-4.2),
16 aggravated battery with a machine gun or a firearm equipped
17 with a silencer (Section 12-4.2-5), aggravated battery of a
18 child (Section 12-4.3), aggravated battery of an unborn child
19 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),
20 aggravated battery of a senior citizen (Section 12-4.6),
21 stalking (Section 12-7.3), aggravated stalking (Section
22 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13),
23 aggravated criminal sexual assault (Section 11-1.30 or 12-14),
24 kidnapping (Section 10-1), aggravated kidnapping (Section
25 10-2), predatory criminal sexual assault of a child (Section
26 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section

1 11-1.60 or 12-16), unlawful restraint (Section 10-3),
2 aggravated unlawful restraint (Section 10-3.1), aggravated
3 arson (Section 20-1.1), aggravated discharge of a firearm
4 (Section 24-1.2), or a violation of any former law of this
5 State that is substantially similar to any listed offense, or
6 any prior conviction under the law of another jurisdiction for
7 an offense that could be charged in this State as one of the
8 offenses listed in this Section, when any of these offenses
9 have been committed against a family or household member as
10 defined in Section 112A-3 of the Code of Criminal Procedure of
11 1963. The court shall impose a minimum penalty of 24 hours
12 imprisonment for defendant's second or subsequent violation of
13 any order of protection; unless the court explicitly finds that
14 an increased penalty or such period of imprisonment would be
15 manifestly unjust. In addition to any other penalties, the
16 court may order the defendant to pay a fine as authorized under
17 Section 5-9-1 of the Unified Code of Corrections or to make
18 restitution to the victim under Section 5-5-6 of the Unified
19 Code of Corrections. In addition to any other penalties,
20 including those imposed by Section 5-9-1.5 of the Unified Code
21 of Corrections, the court shall impose an additional fine of
22 \$20 as authorized by Section 5-9-1.11 of the Unified Code of
23 Corrections upon any person convicted of or placed on
24 supervision for a violation of this Section. The additional
25 fine shall be imposed for each violation of this Section.

26 (e) (Blank).

1 (f) A defendant who directed the actions of a third party
2 to violate this Section, under the principles of accountability
3 set forth in Article 5 of this Code, is guilty of violating
4 this Section as if the same had been personally done by the
5 defendant, without regard to the mental state of the third
6 party acting at the direction of the defendant.

7 (Source: P.A. 96-1551, Article 1, Section 5, eff. 7-1-11;
8 96-1551, Article 2, Section 1035, eff. 7-1-11; incorporates
9 97-311, eff. 8-11-11; revised 9-11-11.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.